



**MINUTES
BOARD OF NURSING
FULL BOARD MEETING
WEDNESDAY, APRIL 25, 2007**

MEMBERS PRESENT: SHARON PAPPAS, RN, PHD, PRESIDENT; JUDITH BURKE, RN, NP, VICE PRESIDENT; CANDACE BERARDINELLI, RN, PHD, PEGGY BUNKE, RN, NP; TONI GIBBONS, LPN; THOMAS KANAN, JD; JOHN KLEINHEKSEL, JD; JANET PUGLISI, RN; SANDRA SUMMERS, RN; BETTY WOLFE, LPN

PRESIDING: SHARON PAPPAS, RN, PHD, PRESIDENT

COUNSEL: SUSAN PROSE, ASSISTANT ATTORNEY GENERAL

STAFF: MARK MERRILL, PROGRAM DIRECTOR

Convene and Role Call (9:01 A.M.)

Sharon Pappas, RN, PhD, President, called the meeting to order and conducted a roll call of the Board members present. All were present except as noted:

- Vicki Broerman arrived at 9:10 AM
- Jack Kleinheksel arrived at 9:21 A.M.

Designation of location for postings of Board of Nursing meetings in 2007 (9:03 A.M.)

Sharon Pappas, RN, PhD, President, announced that the location for all public notices for Board of Nursing meetings in 2007 would be posted in the reception lobby for the Division of Registrations, suite 1350, at 1560 Broadway, Denver, Colorado; as well as the Board of Nursing web site.

Approval of Minutes (9:05 A.M.)

The Board noted a few typo changes and then a Motion was made, seconded, and carried to approve the January 25, 2007 Full Board meeting minutes as amended.

Program Director's Report (9:07 A.M.)

Mark Merrill, Program Director, discussed changes to the Board of Nursing staff including the resignation of Marlene Patacky, Program Inspector for Certified Nurse Aide programs; and the hiring of Shannon St. Hillaire, from the Colorado Department of Health, as her replacement. Program Director Merrill also informed the Board of the resignation of Shannel Lorange, Complaint Supervisor. The following information was also provided:

- Mark Merrill will be out of town in Chicago during the week of May 7, 2007 for Executive Officer training from the National Council of State Boards of Nursing.
- The LPT work group has been working on the LPT test bank, and new test dates for the LPT exam are set for July 2007.
- Mr. Merrill and Karen Dechant, Nurse Compact Administrator, are accepting speaking engagements to educate the public about the Nurse Licensure Compact and other Board matters.
- Dr. Dorothy Faris, Addictionologist, will be making a presentation to the Full Board at the July meeting regarding the assessment and rehabilitation of the impaired nurse.
- The staff made changes to the agenda deadline calendar to ensure better efficiency in getting the agenda packets to the Board in a timelier manner.

Legislative Agenda Requests (9:10 A.M.)

Susan Miller, Director of the Healthcare Section, discussed an e-mail that was sent to the Board members asking for legislative agenda items for the 2008 and 2009 legislative sessions. Section Director Miller discussed the sunset review process and requested that if there are legislative change requests that have little or no imperative need for change in the 2008 legislative session that they could please wait until the 2009 sunset review process to be submitted. Section Director Miller requested that if the Board members have any items for the legislative agenda to contact her with those requests.

Executive Director, Department of Regulatory Agencies (9:14 A.M.)

D. Rico Munn, Executive Director for the Department of Regulatory Agencies addressed the Board and presented the new plan for the Department, expressed the goals and regulatory philosophies of the new Governor, Bill Ritter, Jr., and discussed specific Nursing Board issues including the confirmation of four Board members, upcoming legislative sessions, and the Nurse Licensure Compact. Executive Director Munn took questions from the Board and they noted their appreciation of his appearance at the meeting.

Vicki Broerman suggested the formation of a legislative subcommittee to review ideas for proposed legislative changes. The subcommittee will be comprised of Peggy Bunke, Vicki Broerman, Candi Berardinelli, Betty Wolfe and Judith Burke..

Rulemaking Hearing: Chapter I – Licensure (9:36 A.M.)

At 9:36 A.M., the Board convened a public rulemaking proceeding to consider, pursuant to notice, proposed changes to Chapter I Rules - Licensure.

There was no written, public or staff testimony for the Board's consideration.

At 9:38: A.M. public testimony was concluded and the public hearing was closed.

At 9:38 A.M. the Board entered into a work session to discuss proposed revisions.

At 9:42 A.M., after a full opportunity for submission of oral and written comments by the public at the April 25, 2007 Rulemaking Hearing, and after due consideration, a Motion was made, seconded and carried to adopt the revised Chapter I Rules, including the statement of basis, statutory authority, and purpose. The Chapter I Rules and Regulations as adopted are attached and incorporated herein by this reference and became effective July 2, 2007.

Staff Reports (9:46 A.M.)

Rule out Risk (R/OR) Program – Mark Merrill, Program Director explained the newly implemented program for licensure applicants and new complaint respondents who have an established history of drug/alcohol problems who may not be suitable for peer assistance. After discussion, the Board decided to change the language in the guidelines to reflect, “History of two or more drug/alcohol offenses in the last two years but who deny having a problem; History of two or more drug/alcohol offenses in the last two years who claim to be in recovery.”

Paperless Licenses – Mark Merrill, Program Director informed the Board that the Division of Registrations is considering implementing a paperless license system where the Division would no longer print wallet licenses for most types of licensed professionals in Colorado. Program Director Merrill also informed the Board that letters have been sent to employers in the nursing profession requesting opinions on the proposed paperless license system and that most of the responses received to date were in favor of this change.

Nurse Licensure Compact Update – Karen Dechant, Nurse Compact Administrator, informed the Board the implementation date has been moved to October 1, 2007 to allow the Board to transition to a new computer data base system. Ms. Dechant informed the Board that 2,500 letters were to be sent to employers of nurses in Colorado providing information about implementation of the Compact. Ms. Dechant also informed the Board that a frequently asked question section has been developed for the Board of Nursing web site and that the Board will be sending individual letters to the roughly 66,000 RNs/PNs around the 28th of June, asking them to designate a primary residence so that their compact license may be processed.

Policy proposal: “Nursing Student Externs – Linda Metzner, Practice Specialist, proposed the Board adopt policy 60-02 “Nursing Student Extern.” After discussion, a Motion was made, seconded and carried to adopt Board policy 60-2.

Recess (10:14 A.M.)

The Board took a fifteen minute break. The Board reconvened at 10:29 A.M.

Rulemaking Hearing – Chapter XVIII – Rules and Regulations Regarding Reporting Requirements (10:29 A.M.)

At 10:29 A.M., the Board convened a public rulemaking proceeding to consider, pursuant to notice, a proposed repeal of Chapter XVIII – Rules and Regulations Regarding Reporting Requirements.

There was no written testimony from the public, staff testimony, or oral testimony.

II. **Mile High Medical** – PN Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to deny Phase I recognition.

Betty Wolfe re-entered the meeting at 11:22 A.M.

III. **Workplace Language Career College** – PN Program. The Board tabled their decision until after lunch.

IV. **National American University** – ADN Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to grant Phase I recognition.

Phase II Applications

I. **Colorado Technical University** – ADN Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to deny Phase II recognition.

Phase IV Applications

I. **Metropolitan State College of Denver** – Accelerated BSN Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to grant full approval.

Site Visit and Request for Status Change

I. **Trinidad State Junior College** – ADN Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation for request for full approval. After discussion, a Motion was made, seconded and carried, with one abstention, to grant full approval pending four items notated on the memorandum and communicated to the school.

NCLEX-RN Program Plan of Action

I. **Community College of Denver** – ADN Program. The Board tabled the decision until after lunch.

II. **Pueblo Community College** – ADN Program. The Board tabled the decision until after lunch.

Sandy Summers recused herself at 11: 53 A.M. She returned to the meeting after lunch at 1:00 P.M.

III. **Lamar Community College** – ADN Program. The Board tabled the decision until after lunch.

Miscellaneous Education Item

Denver School of Nursing – PN Program. The Board noted and reviewed the submitted documentation of psychiatric theory and clinical in the PN exit program and their interim approval until they receive regional accreditation. The Board requested additional evidence of the psychiatric clinical component documentation be given to Roberta Hills, Education Specialist.

Nurse Aide Education Programs (11:58 A.M.)

The following decisions issued by Marlene Patacky, Program Inspector were ratified by the Board :

Full Approval CNA Training Programs:

- 1/22/07 – TSOC – Colorado Springs
- 12/4/06 – Summit High School Med Prep CNA – Frisco

Continuing Approval CNA Training Programs:

- 10/16/06 – CollegeAmerica – Fort Collins
- 1/05/07 – Avanza – Colorado Springs
- 11/17/06 – American College – Aurora
- 12/13/06 – Career Development Center – Boulder
- 10/19/07 – Arapahoe Community College – Littleton
- 9/30/06 – First Class Nurse Aides – Colorado Springs
- 11/08/06 – Bent County Memorial Nursing Home – Las Animas
- 11/17/06 – E. Dene Moore Care Center – Rifle
- 10/31/06 – Devonshire Acres – Sterling
- 12/16/06 – Arapahoe Douglas Career and Technical School – Englewood

Interim Approval

- 3/15/07 – CNA Academy – Pueblo

Deactivated Programs

- 3/1/07 – Colorado Mountain College – Leadville

Lunch (11:59 A.M)

The Board recessed for a one hour lunch break. Thomas Kanan, JD left for the duration of the meeting.

Open Forum (1:09 P.M.)

Eva Tapia, Program Director of Pueblo Community College ADN Program addressed the Board regarding her concerns that the Board has approved, or is in the process of approving three nursing schools in a small geographical area and the subsequent effects that has on the resources required to adequately meet the requirements as outlined in the Chapter II Rules on Nursing Education. The Board noted Ms. Tapia's concerns.

Mary Contz, Program Director of Colorado State University School of Nursing, echoed Ms. Tapia's concerns about the strain having three nursing programs in the Pueblo area is causing when securing clinical sights and qualified faculty. The Board noted Ms. Tapia's concerns.

Grace Rodriguez, Chair of Colorado Technical University addressed the Board about the program's deficiencies relating to application for Phase II recognition. The Board noted Ms. Rodriguez's comments and information and directed her to continue working with Roberta Hills, Nursing Education Specialist, to correct deficiencies.

Education Items Continued (1:16 P.M.)

Phase I Applications

I. **Workplace Language Career College** – PN Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to deny Phase I recognition.

NCLEX-RN Program Plan of Action

I. **Community College of Denver** – ADN Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to accept Community College of Denver's Plan of Action and reevaluate pass rates at the end of 2008 after the plan has had a chance to have an impact.

The Board requested that Roberta Hills, Nursing Education Specialist report current NCLEX pass rates at the end of 2008.

II. **Pueblo Community College** – ADN Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to accept Pueblo Community College's Plan of Action and reevaluate pass rates in 2008 after the plan has had a chance to have an impact.

Sandy Summers stepped recused herself at 1:23 P.M.

III. **Lamar Community College** – ADN Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to accept Lamar Community College's Plan of Action and reevaluate pass rates in 2008 after the plan has had a chance to have an impact.

The Board requested that Roberta Hills, Nursing Education Specialist report current NCLEX pass rates at the end of 2008.

III. **University of Phoenix** – LPN – BSN. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to accept University of Phoenix's Plan of Action and reevaluate pass rates in December of 2007 in an interim report after the plan has had a chance to have an impact.

Insulin in the School Setting (1:29 P.M.)

Sharon Pappas, RN, PhD, President reviewed the history and chronology of the Board's involvement in the issue of delegation of insulin administration to unlicensed persons in the public school setting. The Board reiterated its position, which was rendered in a response letter to Kathleen Patrick, RN, MA, Principal Consultant School Health Services with the Department of Education on October 25, 2006, that the Board Rules and Regulations, Chapter XIII do not allow delegation of insulin administration to unlicensed personnel.

Steve Bieringer, Manager, Major Projects, Legal Advocacy for the American Diabetes Association addressed the Board accompanied by Leah Wyckoff, President of the Colorado Association of School Nurses regarding their concerns that the Board's position on delegation and administration of insulin to diabetic school age patients.

After discussion, a Motion was made, seconded and carried, to stand behind the decision made by the Board at the October 25, 2006 meeting, that the Chapter XIII Rules do not allow delegation of insulin administration to unlicensed personnel, regardless of training or experience.

Recess (2:42 P.M.)

The Board took a ten minute recess.

Insulin in the School Setting Continued (2:54 P.M.)

After further discussion, a Motion was made, seconded and carried with a vote of seven yes, and Sandy Summers, Jack Kleinheksel, and Sharon Pappas, President, voting no, to initiate the rulemaking process to review the Chapter XIII Rules and Regulations concerning the delegation of nursing tasks.

Colorado Nurse Health Program (CNHP) Budget Request (3:06 P.M.)

The Board reviewed a memorandum and report from Marjorie Derozier, Director, regarding the proposed Budget for the '08 fiscal year. The Board reviewed and noted the contents of that report.

After discussion, a Motion was made, seconded and carried, with one abstention from Jack Kleinheksel, to approve the '08 fiscal year budget for CNHP and allocate the funds.

After discussion, a Motion was made, seconded and carried to approve selection of Kelly Heltzel-Strickland to the Impaired Professional Diversion Committee.

Nurse Licensure Compact Board Rules (3:12 P.M.)

After discussion, a Motion was made, seconded and carried to initiate rulemaking proceedings to implement the Nurse Licensure Compact, Board Rules and Regulations, Chapter XX.

Audit Recommendations, Quarterly Case Statistics Report, Stipulation Templates (3:17 P.M.)

On April 25, 2007 at 3:17 P.M. the Board voted to enter into Executive Session pursuant to C.R.S. 24-6-402(3)(a)(II) and (III) based upon its privilege related to attorney client communications and on the provisions requiring confidentiality.

After discussion, at 3:35 P.M., the Board left Executive Session and returned to Open Session.

After discussion, a Motion was made, seconded and carried to approve all of the Stipulation and Final Agency Order templates, as amended.

There being no further business the Board adjourned the meeting at 3:39 P.M.

Sharon Pappas, RN, PhD, President
Colorado Board of Nursing